



PATENT APPLICATION
Q59149

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

In re application of

Shinichi IRISAWA, *et al.*

Appln. No.: 09/599,726

Confirmation No.: 9228

Filed: June 23, 2000

For: ARC TUBE CAPABLE OF PREVENTING
OCCURRENCE OF LEAK DUE TO CRACKS
AND MANUFACTURING METHOD THEREFOR

Allowed: July 28, 2004

Group Art Unit: 2879

Examiner: Sikha Roy

SUBMISSION OF ART

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

For the possible benefit of anyone subsequently evaluating the scope and/or validity of the above-identified patent (when the same issues), Applicants respectfully request that the five (5) documents listed below (copies enclosed) be placed in the U.S. Patent and Trademark Office's file wrapper of the above-identified U.S. patent application:

U.S. 5,404,077

U.S. 5,404,078

U.S. 5,532,552

EP 0 142 202 B1

SUBMISSION OF ART
U.S. SERIAL NO. 09/599,726

ART UNIT 2879
Q59149

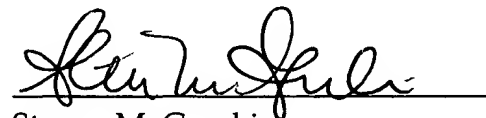
Patent Abstracts of Japan
Publication No. 02195630A

The above-listed documents were recently cited in a communication from the German Patent Office dated May 12, 2004 (copy enclosed), in connection with counterpart application number DE 100 30 808.2-54. Applicants note that the remaining references cited in the German communication were previously submitted to the U.S. Patent and Trademark Office via an Information Disclosure Statement on April 9, 2001.

The undersigned attorney has not reviewed the teachings of the above-listed documents in detail and, thus, makes no representations concerning the relevancy or materiality thereof.

This is not an Information Disclosure Statement and no response from the U.S. Patent and Trademark Office is believed to be necessary, nor are any fees believed to be due.

Respectfully submitted,



Steven M. Gruskin
Registration No. 36,818

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: September 30, 2004



TRANSLATION OF OFFICIAL COMMUNICATION

Issued: May 12, 2004
File No.: 100 30 808.2-54
Applicant: Koito Mfg. Co., Ltd.
Response due by: January 1, 2005
Our File: P 31 728 - hs
Date: June 4, 2004

The following references are cited in this Official Communication for the first time. (If the references are numbered, this numbering will apply throughout the procedure):

- 1) EP 991 097 A1 ✓
- 2) US 5 404 078 ✓
- 3) Patent abstracts of Japan, JP 2-195 630 A
- 4) US 5 404 077 ✓
- 5) US 5 532 552 ✓
- 6) EP 142 202 B1 ✓
- 7) EP 871 202 A2 ✓

The examination is conducted on the basis of the originally filed documents.

As for the prior art, documents 1) to 6) have been found. These describe various types of feedthroughs in gas discharge lamps, the roughness of individual feedthrough portions being especially discussed in part (see, for instance, claim 23 in 2), or claims 7 to 9 in 7)).

Although document 1) anticipates the subject matter of claim 1 in a novelty-destroying manner, it is not pre-published and need thus not be considered in the assessment of the subject matter of the application.

By contrast, the feedthroughs known from documents 2) to 7) differ so much from the subject matter of the application that they do not present a bar to the grant of a patent. The applicant is however asked to briefly acknowledge at least documents 2) and 7) in the introduction to the specification regarding the prior art.

GRÜNECKER, KINKELDEY, STOCKMAIR & SCHWANHÄUSSER

MAXIMILIANSTRASSE 58 D-80538 MÜNCHEN
TEL +49-89-21 23 50 FAX +49-89-22 02 87

Furthermore, it should be noted that the values used in second paragraph of page 9, namely "profile Ra", cut-off value λ_c ", "evaluated length l_n " and "corner R" are neither exactly defined in the text nor clearly shown in one of the figures. There is not doubt that this is neither useful nor admissible in this form.

Furthermore, it should be noted that the statement made in the first sentence of the last paragraph of page 9 of the description: "As shown in Fig. 3, the arithmetical mean deviation is made to be 3 mm or smaller", is not correct in this form since no statements can be made on absolute values on the basis of a figure without any indicated scale.

Finally, it should be noted that in the present description various statements or whole passages are repeated time and again, which is not admissible under the Patent Application Provisions § 10, (3). For instance, the second paragraph of page 3 is literally repeated in the last paragraph of page 5.

For instance, the statement that thanks to the features of the subject matter of the application a possible crack of the arc-tube body is limited to a local portion, that is, the crack is not enlarged to reach the surface of the arc-tube body, is repeated in an identical or almost identical form on page 4, last paragraph, page 6, second paragraph, page 6, last paragraph, page 10, second paragraph, page 11, last paragraph, page 14, second paragraph, page 15.

The applicant is asked to revise the documents carefully, paying attention to the above issues.

As for the documents on file, a patent cannot be granted yet.

Examiner for Class H 01 J
Dr. rer. nat. Trombik

Enclosures:

Copies of seven documents (in duplicate)

GRÜNECKER, KINKELDEY, STOCKMAIR & SCHWANHÄUSSER

MAXIMILIANSTRASSE 58 D-80538 MÜNCHEN
TEL +49-89-21 23 50 FAX +49-89-22 02 87